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# United States Department of Agriculture

BUREAU OF AGRICULTURAL ECONOMICS

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 116

## RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES STANDARD CONTAINER ACT OF 1928

By virtue of the authority vested in the Secretary of Agriculture by an act of Congress entitled, "An act to fix standards for hampers, round stave baskets and splint baskets for fruits and vegetables, and for other purposes," approved May 21, 1928 (Pub., No. 462, 70th Cong.), I, W. M. Jardine, Secretary of Agriculture, do establish and promulgate the following rules and regulations, to be in force and effect until amended or superseded by rules and regulations hereafter established and promulgated by the Secretary of Agriculture under said act.



In testimony whereof I have hereunto set my hand and the official seal of the Department of Agriculture in the city of Washington this 10th day of October, 1928.

*W M Jardine*

Secretary of Agriculture.

### Regulation 1.—Definitions

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, or vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

*Paragraph 1. Standard container act of 1928, or the act.*—The act entitled, "An act to fix standards for hampers, round stave baskets, and splint baskets, for fruits and vegetables, and for other purposes," approved May 21, 1928. (Pub., No. 462, 70th Cong.)

*Par. 2. Secretary.*—The Secretary of Agriculture of the United States.

*Par. 3. Chief of Bureau.*—The Chief of the Bureau of Agricultural Economics of the United States Department of Agriculture.

*Par. 4. Containers.*—Hampers, round stave baskets, or the variants of these types known as straight side or tub baskets, and splint or market baskets for fruits and vegetables.

*Par. 5. Hamper.*—A container, circular, elliptical, or polygonal at top and/or bottom, the top diameter of which is usually somewhat greater than the bottom, having slatted sides and a fabricated or solid bottom which may be loose, or stapled, or nailed in place, or formed by the continuation of the sides.

*Par. 6. Round stave basket.*—A container, usually round at both top and bottom, the sides and bottom of which are formed by a web of continuous or noncontinuous staves.

*Par. 7. Splint basket.*—A container, usually approximately rectangular, the sides and bottom of which are formed from a mat, woven or braided, of continuous narrow staves or splints, or of two or more veneer blanks crossed at right angles.

*Par. 8. Dimension specifications.*—The numerical designations of inside and outside measurements necessary properly to classify a container as to its capacity, shape, and appearance.



*Par. 9. Deceptive appearance.*—A basket or hamper the gross dimensions of which are such as to give to the untrained eye the appearance of a greater or lesser capacity than that of a standard container, or which is not readily distinguishable from another standard container, is of deceptive appearance.

## Regulation 2.—Administration

SECTION 1. The chief of bureau shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in enforcing the provisions of this act and these rules and regulations.

## Regulation 3.—Specifications

SECTION 1. *Paragraph 1.* In order to comply with section 4 of the act each manufacturer of hampers, round stave baskets and/or splint baskets shall submit specifications therefor to the chief of bureau for his approval, such specifications to be submitted over the manufacture's signature on forms provided for that purpose.

*Par. 2.* Manufacturers shall submit dimension specifications for all containers covered by the act which are being made prior to November 1, 1929, and which they wish to continue to make after that date, and dimension specifications shall also be submitted for any such containers which may be developed subsequently, and the manufacture of containers covered by the act shall not be undertaken on and after November 1, 1929, unless and until the specifications therefor have been approved by the chief of bureau.

*Par. 3.* The chief of bureau will approve all such dimension specifications if he finds that the containers made in accordance therewith are of the proper cubical capacity and are not deceptive in appearance.

*Par. 4.* The dimension specifications of any container which have been approved under the provisions of the act shall not be changed nor altered in any way without the prior approval of the chief of bureau.

*Par. 5.* Manufactures of containers coming under this act shall secure prior approval of specifications for such containers before ordering or obtaining forms therefor.

SEC. 2. The dimension specifications which are approved will be specifically certified by the chief of bureau, and such certificate will bear an identification number which may be used by the manufacturer to whom it is issued in stamping or otherwise marking the container covered by the certificate. Such marking, if used, shall be in accordance with the following style:

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## Regulation 4.—Capacity and Appearance

SECTION 1. *Paragraph 1.* For the purpose of determining the capacity of containers and whether or not they are deceptive in appearance, and conform to the dimension specifications which have been submitted therefor, carefully made samples shall be submitted to the chief of bureau at his request.

*Par. 2.* Such containers when tested and/or measured will be considered satisfactory when the results of said tests and measurements are such as to indicate that the factory run of such containers may reasonably be expected to contain as many over standard as there are under standard capacity, and conform to the approved specifications.

*Par. 3.* Sample containers referred to in paragraph 1 of this section may be called for prior to the approval of the dimension specifications which have been submitted therefor, and additional samples may be called for from time to time in the discretion of the chief of bureau for subsequent test as to capacity and conformity with said specifications.

SEC. 2. For the purpose of determining whether or not a container is deceptive in appearance, as provided in section 4 of the act, the dimension specifications for such a container, when submitted by a manufacturer as required by that section, shall be examined by the chief of bureau or his authorized representative and shall be recommended for approval provided the container made

in accordance with such specifications is not of deceptive appearance as defined in section 1 of these regulations, and provided further that said container is of the proper cubical capacity as provided in sections 1 and 2 of this act.

### Regulation 5.—Tolerances and Variations

**SECTION 1. Paragraph 1.** Except as hereinafter provided, for the purpose of ascertaining whether a container is within the tolerances and variations as to capacity allowed by these regulations it shall be tested by the use of a dry measure, of the standard capacity applicable to such container, approved by the Bureau of Standards of the United States Department of Commerce. Such test shall be made with rapeseed or other medium giving similar results. The capacity of the container shall be determined by the struck measure; only the actual capacity when level full shall be considered, and such portion of the contents as may be heaped above the level of the top of the sides shall be disregarded, notwithstanding any raised cover which might permit the extension upward of the contents. In making such tests both the container to be tested and the measure of standard capacity by the use of which it is to be tested shall be filled with the testing medium, in the same manner and under the same conditions, by means of a hopper of the type customarily employed for the same purpose in State and Federal laboratories.

**Par. 2.** For the purpose of determining the cubical content of containers which are constructed with the upper inside top hoop set down to accommodate the cover, they shall be tested in the manner described above and from the total capacity thus obtained there shall be deducted the number of cubic inches contained in the space included between the upper edge of the inside top hoop and the upper ends of the staves. Such computation shall be made by the formula: Diameter squared  $\times 0.7854 \times$  the average depth.

**SEC. 2. Paragraph 1.** As prescribed in this section, the following tolerances and variations in the capacities of containers are found to be reasonable and necessary and are hereby allowed.

**Par. 2.** The excess or deficiency in capacity of any container, over or under the capacity prescribed for such container in the standard container act of 1928, as specified in Table 1 in the column designated "Standard capacity," may be as much as, but not greater than, the amount stated in cubic inches in the same line in the column designated "Excess" or "Deficiency," as the case may be, but, among any lot of containers which are not all of the standard capacity prescribed for such containers by the standard container act of 1928, the number over shall be as nearly equal as may be practical to the number under such standard capacity, within the tolerances and variations allowed therefor in this section.

TABLE 1.—Schedule of tolerances under the United States standard container act of 1928

Standard capacity	Tolerances and variations		Standard capacity	Tolerances and variations	
	Excess	Deficiency		Excess	Deficiency
	Cubic inches	Cubic inches		Cubic inches	Cubic inches
1½ bushels.....	65	33	½ bushel.....	30	15
1¼ bushels.....	58	29	12 quarts.....	23	12
1 bushel.....	50	25	8 quarts.....	16	8
¾ bushel.....	40	20	4 quarts.....	10	5

**Par. 3.** In case of a container having a capacity to which a standard is applicable which is not specified in the column headed "Standard capacity" in Table 1, the excess or the deficiency allowed shall be that permitted for the next smaller standard capacity specified in the table, but this shall not apply to containers for which variations and tolerances shall be permitted and established under the act entitled "An act to fix the standard barrel for fruits, vegetables, and other dry commodities," approved March 4, 1915 (38 U. S. Stats. L., p. 1186), when such variations and tolerances become effective.



An Act To fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the standard hampers and round stave baskets for fruits and vegetables shall be of the following capacities: One-eight bushel, one-fourth bushel, one-half bushel, five-eighths bushel, three-fourths bushel, one bushel, one-and-one-fourth bushels, one-and-one-half bushels, and two bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this Act a bushel, standard dry measure, has a capacity of two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(a) The standard one-eighth-bushel hamper or round stave basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

(b) The standard one-fourth-bushel hamper or round stave basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

(c) The standard one-half-bushel hamper or round stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

(cc) The standard five-eighths-bushel hamper or round stave basket shall contain one thousand three hundred and forty-four cubic inches.

(d) The standard three-fourths-bushel hamper or round stave basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

(e) The standard one-bushel hamper or round stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(f) The standard one-and-one-fourth-bushel hamper or round stave basket shall contain two thousand six hundred and eighty-eight cubic inches.

(g) The standard one-and-one-half-bushel hamper or round stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

(h) The standard two-bushel hamper or round stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the four-quart basket, eight-quart basket, twelve-quart basket, sixteen-quart basket, twenty-four-quart basket, and thirty-two-quart basket, standard dry measure. For the purposes of this Act a quart standard dry measure has a capacity of sixty-seven and two-tenths cubic inches.

(a) The four-quart splint basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

(b) The eight-quart splint basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

(c) The twelve-quart splint basket shall contain eight hundred and six and four-tenths cubic inches.

(d) The sixteen-quart splint basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

(e) The twenty-four quart splint basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

(f) The thirty-two quart splint basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this Act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this Act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this Act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this Act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this Act: *Provided*, That this Act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the Act approved August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (Thirty-ninth United States Statutes at Large, page 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500: *Provided further*, That no person shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manu-

facturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this Act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this Act to the person who made the purchase.

SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this Act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this Act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this Act shall not prohibit the manufacture for sale or shipment, offer for sale, sale or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this Act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this Act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this Act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this Act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this Act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this Act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this Act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this Act.

Approved, May 21, 1928.

